

Exhibit D

U.S. Patent No. 7,200,715			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
21, 52	“the one or more storage devices”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means the one or more storage devices in a plurality of storage devices over which the storage of data is controlled.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Figs. 4, 10, and accompanying text; 2:13-20; 3:1-8; 3:11-15; 3:25-29; 4:65-5:6; 10:14-19; 10:39-42; 15:21-32; 15:36-39. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Sun contends this phrase is indefinite under 112, ¶2 because there is no antecedent basis.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent at Col.13:20-23; claims 1, 18, 19, 20, 21, 39 and 52. • Testimony by Sun's expert, Mr. Thomas Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
34	“the storage device manager”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means the manager of one or more storage devices.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Figs. 2, 4, and accompanying text; 3:25-53; 8:20-24. 	<p>Sun contends this phrase is indefinite under 112, ¶2 because there is no antecedent basis.</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent, claims 21 and 34. • Testimony by Sun's expert, Mr. Thomas Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent.

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		<p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • Sun reserves the right to rely on any evidence identified by NetApp.
21, 52	“associating the data blocks with one or more storage blocks across the plurality of stripes as an association”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means creating a data structure that relates data blocks to locations on more than one stripe.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Fig. 8 and accompanying text; 8:25-29; 11:22-27; 13:14-23; 13:34-44; 16:20-26. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Fig. 8 and accompanying text; 8:25-29; 11:22-27; 13:14-23; 13:34-44; 16:20-26. • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p>Sun contends this phrase is indefinite under 112, ¶2 because it is unclear and fails to set forth the subject matter which applicants regard as their invention. However, if the Court decides the phrase is not indefinite, the term should be construed to mean: “associating each data block with a respective one of the storage blocks across the plurality of stripes as an association.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent at Abstract; Col. 1:36-61; Col. 8:9-29; Col. 9:13-22; Col. 13:14-23; claims 1, 18, 19, 20, 21, 52, Figs. 1A-B, 6, 9 and accompanying description. • '715 Patent Prosecution History, Submission filed on or about April 2, 2004, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about August 20, 2004, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about February 22, 2005, and references cited therein. • '715 Patent Prosecution History, Office action mailed May 17, 2005, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about August 17, 2005, and references cited therein.

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			<ul style="list-style-type: none"> • '715 Patent Prosecution History, Notice of Allowability mailed on or about January 30, 2006. • '715 Patent Prosecution History, Submissions filed on or about January 31, 2006, and references cited therein. • '715 Patent Prosecution History, Office action dated April 10, 2006, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about July 10, 2006, and references cited therein. • '715 Patent Prosecution History, Office action dated September 20, 2006, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about November 16, 2006, and references cited therein. • '715 Patent Prosecution History, Notice of Allowability mailed on or about January 9, 2007. • Testimony by Sun's expert, Mr. Thomas Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
39	“the association to associate the data blocks with one or more storage blocks across the plurality of stripes”	<p><u>PROPOSED CONSTRUCTION:</u> No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means the data structure relating data blocks to locations on more than one stripe.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Fig. 8 and accompanying text; 8:25-29; 11:22-27; 13:14-23; 13:34-44; 16:20-26. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Abstract; Fig. 8 and accompanying text; 8:25- 	<p>Sun contends this phrase is indefinite under 112, ¶2 because it is unclear and fails to set forth the subject matter which applicants regard as their invention. However, if the Court decides the phrase is not indefinite, the term should be construed to mean: “associating each data block with a respective one of the storage blocks across the plurality of stripes as an association.”</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent at Abstract; Col. 1:36-61; Col. 8:9-29; Col. 9:13-22; Col.13:14-23; claims 1, 18, 19, 20, 21, 52, Figs. 1A-B, 6, 9 and accompanying description.

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		<p>29; 11:22-27; 13:14-23; 13:34-44; 16:20-26.</p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<ul style="list-style-type: none"> • '715 Patent Prosecution History, Submission filed on or about August 20, 2004, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about February 22, 2005, and references cited therein. • '715 Patent Prosecution History, Office action mailed May 17, 2005, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about August 17, 2005, and references cited therein. • '715 Patent Prosecution History, Notice of Allowability mailed on or about January 30, 2006. • '715 Patent Prosecution History, Submissions filed on or about January 31, 2006, and references cited therein. • '715 Patent Prosecution History, Office action dated April 10, 2006, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about July 10, 2006, and references cited therein. • '715 Patent Prosecution History, Office action dated September 20, 2006, and references cited therein. • '715 Patent Prosecution History, Submission filed on or about November 16, 2006, and references cited therein. • '715 Patent Prosecution History, Notice of Allowability mailed on or about January 9, 2007. • Testimony by Sun's expert, Mr. Thomas Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
21, 39, 52	"stripe"	PROPOSED CONSTRUCTION: No construction necessary, plain and ordinary meaning. To the extent the Court deems a construction necessary, the term means one storage block on each of multiple disk	PROPOSED CONSTRUCTION: "one storage block on each disk drive in an array of disk drives with each block being the same size and located at the same offset (disk block number) relative to its disk"

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		<p>drives in an array of disk drives with each block being the same size and over which redundancy information is computed.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See Fig. 1B and accompanying text; 1:37-66; 2:4-9; 3:11-36; 3:66-4:6; 5:7-13; 6:9-50; 8:16-20. <p><u>EXTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • Dr. Greg Ganger may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • NetApp reserves the right to rely on any evidence identified by Sun. 	<p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent, 1:36-61; Col. 5:7-6:58; Col. 8:9-29; Col. 13:14-14:46; Figures 1a, 1b, 5, 6, 8, and 9 and accompanying disclosure. • stripe: See disk striping. MICROSOFT PRESS COMPUTER DICTIONARY, 5th Ed. (2002) p. 500. • disk striping: the procedure of combining a set of same-size disk partitions that reside on separate disks (from 2 to 32 disks) into a single volume, forming a virtual stripe across the disks that the operating system recognizes as a single drive. Disk striping enables multiple I/O operations in the same volume to proceed concurrently, thus offering enhanced performance. MICROSOFT PRESS COMPUTER DICTIONARY, 5th ed. (2002) p. 166. MICROSOFT PRESS COMPUTER DICTIONARY, 3rd Ed. (1997) p. 152. • Testimony by Sun's expert, Mr. Thomas Gardner, concerning the meaning of this term to one of skill in the art in the context of its use in the '715 patent. • Sun reserves the right to rely on any evidence identified by NetApp.
21, 39, 52	"single write request"	<p><u>PROPOSED CONSTRUCTION:</u> A single request that results in the write of all the data blocks in the association.</p> <p><u>INTRINSIC EVIDENCE</u></p> <ul style="list-style-type: none"> • See 2:4-9; 5:22-29; 5:59-67; 8:9-15; 8:9-29; 8:50-54; 9:5-31; 13:14-17. <p><u>EXTRINSIC EVIDENCE</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "a single request to write all the data blocks in the association."</p> <p><u>EVIDENCE:</u></p> <ul style="list-style-type: none"> • '715 Patent at 8:16-21; Col. 9:15-31; Col. 9:50-54; Col.

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